

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

Christian Oldendorf, Franz-Josef Melcher, and Christoph Berg

Reissue Application of U.S. Patent
5,902,965 issued on May 11, 1999

Filed: Herewith

For: ELECTRIC BALANCE FOR CORRECTING MISLOADING THEREOF

REISSUE DECLARATION UNDER 37 C.F.R. § 1.175

As a below named inventor, I hereby declare and state as follows:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first and joint inventor of the invention ELECTRIC BALANCE FOR CORRECTING MISLOADING THEREOF, which is described and claimed in the above-identified U.S. Patent No. 5,902,965, issued May 11, 1999, and assigned to SARTORIUS AG, a copy of the patent of which is submitted with this application for reissue and which is amended by the Preliminary Amendment filed concurrently with this application for reissue; and that I have reviewed and understand the contents of the specification, including the claims, as amended in this application for reissue.

In compliance with 37 C.F.R. § 1.175(a)(7) and 1.63(b)(3), I hereby acknowledge my duty to disclose information of which I am aware which is material to patentability as defined in 37 C.F.R. § 1.56.

Priority is claimed under 35 U.S.C. § 119 from March 5, 1994, based on German Patent Application No. DE 44 07 433.

In compliance with 37 C.F.R. §§ 1.175(a), I hereby declare and state that the above-identified U.S. Patent No. 5,902,965 is believed to be at least partly inoperative for the reason that we claimed less than we had the right to claim in the patent.

The purpose of seeking a reissue patent is to correct the insufficiency in the patented claims by presenting new claims which are commensurate with the true scope of our invention.

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Pursuant to 37 C.F.R. § 1.175(a)(1), I state that there is at least one error in the patent, which error is relied on as a basis for this reissue. Claim 1 of U.S. Patent No. 5,902,965 patent recites an electronic means to subtract the weight of the second ingredient called for in said recipe from the weight of the second ingredient in the weighing container. However, our invention is not limited to processing having this electronic means; rather, our invention can be practiced using other algorithms. Another error is that claim 1 of U.S. Patent No. 5,902,965 patent recites a display means to show the amount of the first ingredient needed to establish the correct ratio. However, our invention can also be used to display amounts of other ingredients, including later added ingredients needed to establish a correct ratio with previously added ingredients.

Pursuant to 37 C.F.R. § 1.175(a)(2), I state that all errors being corrected in the reissue application up to the time of filing this declaration arose without any deceptive intention.

I hereby appoint John H. Mion, Reg. No. 18,879; Donald E. Zinn, Reg. No. 19,046; Thomas J. Macpeak, Reg. No. 19,292; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy, Reg. No. 24,513; J. Frank Osha, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Robert G. McMorrow, Reg. No. 19,093; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Neils, Reg. No. 33,102; Brett S. Sylvester, Reg. No. 32,765; Robert M. Masters, Reg. No. 35,603; George F. Lehnigk, Reg. No. 36,359; John T. Callahan, Reg. No. 32,607; and Steven M. Gruskin, Reg. No. 36,818 as my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all

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correspondence about the application be addressed to SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC, 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037-3202.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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10650-210500